

Please add the following claims:

22. (New) The food product of claim 1, wherein the substantially water-free based confectionery mass is solid under ambient temperature.

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23. (New) A process for molding a food product which comprises:
forming a sugar wafer in a desired shape;

C4 ~~providing a substantially water-free fat-based confectionery in a molten, semi-~~
liquid or semi-solid mass upon or into the shaped sugar wafer so that a portion of the mass
flows to conform to the shape of the sugar wafer; and
solidifying the confectionery mass sufficiently to form a substantially water-
free fat-based confectionery filling in a second desired shape that corresponds to the desired
shape of the sugar wafer and which is sufficiently solid to retain the second desired shape
under ambient temperature.

REMARKS

Claims 1 and 3-21, as amended, and new claims 22-23 are pending for the Examiner's review and consideration. Claims 1 and 10 have been amended to clarify that the confectionery filling is in the form of a mass, as previously recited in claim 10. Claim 21 has been amended to clarify that a process step is being recited as in claim 10 from which it depends, and that the verb "filling" in claim 21 is completely different from the noun "filling" in claim 10. To avoid any possible confusion, the term "disposing" is recited in place of the verb "filling," which was previously recited in claim 21. These amendments are not intended to alter the scope of the claim, but merely to clarify the language. New claim 22 recites that the confectionery filling is solid under ambient temperature and new claim 23 recites an embodiment similar to the process of claim 10. No new matter has been introduced by any of the amendments herein, such that entry of the claims is warranted at this time. The marked up amended claims are attached hereto as Exhibit A, and a full set of pending claims is attached hereto as Exhibit B.

Claim 21 was rejected under 35 U.S.C. 112, second paragraph, for the reason on page 2 of the Office Action. Claim 21 is alleged to be vague and indefinite since it recites a product but depends from process claim 10. This type of claim is perfectly acceptable and is called a "product-by-process" claim. To expedite the prosecution of this application, however, Applicants have amended claim 21 to recite a process.